

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MAY 27, 2003

D040409 Walton v. Resource Consultants, Inc.

Judgment affirmed. Walton to bear RCI's costs on appeal. Haller, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D042199 Lacher v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MAY 28, 2003

D041500 In re Jenna P., a Juvenile

Orders affirmed. Kremer, P.J.; We Concur: Benke, J., McIntyre, J.

D041144 In re Amadai B., a Juvenile

The judgment is affirmed. McConnell, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D042182 In re Marriage of Lightbody

The petition is denied.

D040401 People v. Brown

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D041536 In re LEIGH B. et al., Juveniles

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b).
The appeal is dismissed.

D040908 People v. Person

Judgment affirmed. Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D041895 Gilberto Z. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The attorney for petitioner Gilberto Z. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D041789 Hunt et al. v. Superior Court of San Diego County/Fidelity National Title Insurance
Company et al.**

The petition is denied.

D041801 In re Alve on Habeas Corpus

The petition is denied.

D041802 In re Mullen on Habeas Corpus

The petition is denied.

D041796 Singleton v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MAY 28, 2003 (Continued)

D042054 Abatti v. Superior Court of Imperial County/People

For good cause shown, the superior court is ordered to show cause why the relief requested should not be granted. Absent objection on or before 15 days from the date of this order, the briefs currently on file will be deemed the response and reply to the order to show cause. Absent objection on or before 15 days from the date of this order, oral argument will be deemed waived. Appellate Defenders, Inc. and California District Attorneys Association are invited to submit amici curiae briefs on or before 30 days from the date of this order. The parties may respond to amici curiae briefs on or before 15 days from the date of their submission. The stay of trial issued May 7, 2003 remains in affect pending disposition of this matter.

D041963 Whitty et al. v. Superior Court of San Diego County/Fairway Capital, LLC. et al.
The petition is denied.

D042191 Coburn v. Superior Court of San Diego County/K.R. Doe et al.
Having been advised that the superior court vacated its earlier order, this court discharges the alternative writ and dismisses the petition as moot.

D042213 Seidel, Sr. v. Superior Court of San Diego County/West et al.
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MAY 29, 2003

D042119 Baumer v. Superior Court of San Diego County/People

The petition is denied.

D041044 In re Casey A., a Juvenile

The order is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D040736 People v. Henderson

The trial court is directed to prepare an amended abstract of judgment striking the parole restitution fine and to forward a certified copy to the Department of Corrections. The judgment is affirmed as modified. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D041574 Trudi N. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

At the request of petitioner Trudi N., the petition for writ of mandate is dismissed.

D039674 People v. Abarca et al.

The judgments are affirmed except the sentence is modified to 17 years four months. The trial court shall amend the abstract of judgments and advise the Department of Corrections of the modifications. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

D041012 Hall v. Superior Court of San Diego County/People

Let a writ issue directing the superior court to vacate its orders of May 24, 2002, and October 3, 2002, and to enter an order reinstating Hall's guilty plea to vehicular manslaughter while intoxicated without gross negligence and proceed with sentencing. The stay issued by this court on November 8, 2002, is vacated. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D041477 Hartone Fortune, LLC. v. University Towne Centre, LLC.

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D042188 Grant v. Kizy Properties, Inc.

The purported cross-appeal is dismissed because the notice of cross-appeal was untimely filed under California Rules of Court rule 3(e).

D041107 In re Kristen B. et al., Juveniles

The order denying an evidentiary hearing on the services issue of the section 388 petition is reversed and the matter is remanded. At the earliest possible date, the juvenile court shall determine whether the section 388 petition presents a prima facie case on the best interests prong of the services issue and, if so, set an evidentiary hearing. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D040788 In re R. R., a Juvenile

Judgment affirmed. Kremer, P.J.; We Concur: Benke, J., Aaron, J.

D041188 In re Jesus Z., Jr. et al., Juveniles

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MAY 29, 2003(Continued)

D042224 Reichnet et al. v. Superior Court of San Diego County/Maywood

The petition is denied.

D042059 Huff v. Superior Court of San Diego County/City Event Staff Services, Inc. et al.

The petition is denied.

D041841 In re Williams on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MAY 30, 2003

D041922 In re Jessica D. et al., Minors

Upon filing an abandonment of appeal, the appeal is dismissed.

D041269 Weaver v. Superior Court of San Diego County/People

Let a peremptory writ issue directing the trial court to vacate the order denying petitioner's request for a certificate of probable cause and to issue a new order granting the request. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D041485 In re Makalya H., a Juvenile

D041804 In re Makalya H., a Juvenile

(consolidated) The order denying Antoinette's section 388 petition and the order terminating parental rights are reversed and the matter is remanded to the juvenile court with directions to order the Agency to comply with the notice provisions of the ICWA. If, after proper inquiry and notice, no timely response is received from a tribe indicating Makalya is an Indian child within the meaning of the ICWA, or a tribe responds by communicating that it has no interest in the proceedings, the appealed orders shall be reinstated. If a tribe determines or other information presented to the court suggests Makalya is an Indian child within the meaning of the ICWA, the court is directed to conduct a new hearing on Antoinette's 388 petition and a new section 366.26 hearing in accordance with the ICWA. Kremer, P.J.;

We Concur: Huffman, J., Nares, J.

D041139 In re Ashlea H., a Juvenile

The judgment terminating Ada's parental rights to Ashlea is vacated and the matter is remanded to the juvenile court with directions to order Agency to provide the three recognized Cherokee tribes (see fn. 4, ante) with proper notice under ICWA. If, after receiving such notice, none of the tribes indicate Ashlea is an "Indian child" within the meaning of ICWA, then the court shall reinstate the judgment. If, however, one of the tribes determines Ashlea is an "Indian child" under ICWA, the court shall conduct a new Welfare and Institutions Code section 366.26 hearing applying the provisions of ICWA.

Kremer, P.J.; We Concur: Benke, J., McDonald, J.